

SENATE SUMMARY OF HOUSE AMENDMENTS

**SB 154 By Senator Thompson**

**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

AGRICULTURE/FOREST DEPT. Removes the State Market Commission and Farm Youth Loan Program and makes changes to various boards, commissions and offices within the Department of Agriculture and Forestry. (gov sig)

**SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL**

1. Technical amendments only.

**DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE**

DIGEST

Thompson (SB 154)

Proposed law corrects the official department name from the Department of Agriculture and Immigration to the Department of Agriculture and Forestry and provides for other technical corrections.

Proposed law corrects the official title of the commissioner from commissioner of agriculture and immigration to commissioner of agriculture and forestry.

Present law provides for the State Market Commission, composed of thirteen members as follows: the commissioner of agriculture and forestry, the chairman of the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development, the chairman of the Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development, and ten members to be appointed by the governor. Present law provides for duties of the commission and grants the commission the authority to acquire machinery, equipment, facilities, market centers, make loans and guarantees, and charge assessments.

Proposed law repeals present law.

Present law authorizes the State Market Commission to acquire property and to erect and install thereon such structures, facilities and equipment as may be necessary for the inspection, grading, standardization, classification, refrigeration, processing and marketing of agricultural products. Present law further authorizes the State Market Commission to administer the properties and rent or lease property under its control.

Proposed law repeals present law.

Present law requires the State Market Commission to make written operating reports at the end of each fiscal year to the House and Senate Committees on Agriculture, Forestry, Aquaculture and Rural Development, setting forth the loans and guarantees of the preceding year approved and denied by the commission.

Proposed law repeals present law.

Present law provides for the "Agricultural Products Processing Development Law," administered by the State Market Commission, to develop and enhance the capacity to process agricultural products in Louisiana including providing financial assistance to any person who owns, leases, or operates, or is seeking to own, lease, or operate an agricultural plant in this state. Present law authorizes the State Market Commission to make loans and guarantees, fix their rate of interest, make contracts and leases, conduct conferences and studies, review agricultural product processing potential throughout the state, renegotiate, refinance or foreclose on mortgages, and enter in cooperative endeavor agreements. Present

law further provides for the Agricultural Products Processing Development Fund for the State Market Commission to implement, administer and make loans and loan guarantees.

Proposed law repeals present law.

Proposed law transfers the duties and obligations of the State Market Commission to the Louisiana Agricultural Finance Authority. Proposed law further provides for the transfer of the commission's funds, bonds, loan guarantees, employees, property and facilities to Louisiana Agricultural Finance Authority.

Present law authorizes the commissioner to withhold and retain from any fees or revenues collected by the department, not previously dedicated, \$200,000 annually to be distributed among the seven divisions of the department for the purpose of balancing agriculture with industry and promoting the building of Louisiana by using Louisiana products.

Proposed law repeals present law.

Present law provides for a permissive method for the establishment of terminal and assembly markets, through the creation of non-profit public corporations, known as "farm products market facilities," in order to promote the efficient and economic handling of farm and food products. Present law provides for membership, tenure and powers of the board of directors of terminal market facilities and assembly market facilities. Present law authorizes the issuance of bonds and requires the facilities to perform annual audits filed with the State Market Commission.

Proposed law repeals present law.

Present law provides for the "Farm Youth Loan Program" and authorizes the State Market Commission to grant farm youth loans. Present law provides rules for eligibility and terms of the loans.

Present law provides that the office of marketing and agro-economic development shall perform the staff functions related to the program and the assistant commissioner of the office of marketing and agro-economic development is the executive director of the program.

Proposed law repeals present law.

Present law authorizes the State Market Commission to recommend regulation of egg marketing to the commissioner.

Proposed law repeals present law.

Present law requires the commissioner to analyze at least one sample of each brand of fertilizer sold in the state annually.

Proposed law repeals present law.

Present law requires the Louisiana Feed Commission to publish at least semiannually information concerning the sales, production and use of commercial feeds as well as a report of the analyses of official samples of commercial feeds sold within the state as compared with the analyses guaranteed in the registration and on the label. The information concerning production and use of commercial feed shall not disclose the operations of any person.

Proposed law repeals present law.

Present law authorizes the borrowing of money and the issuance and sale of bonds by the State Bond and Building Commission in an amount not to exceed \$2,000,000 which is available to be used by the State Market Commission.

Proposed law repeals present law.

Present law permits the State Market Commission to license, adopt and promote an official logo for products produced in Louisiana and establish fees for use of the logo. Proposed law retains present law but moves the authority from the State Market Commission to the Department of Agriculture and Forestry.

Present law defines "distributor" as a Louisiana manufacturer of crawfish bags or a person who brings crawfish bags into Louisiana which were manufactured outside of Louisiana. Proposed law retains present law but adds to the definition a person who brings crawfish tail meat into Louisiana or who distributes crawfish tail meat in Louisiana.

Present law requires that an application for public livestock market operation include a \$250 charter fee. Proposed law retains present law but further requires that the fee be applied per license issued.

Proposed law removes the reference regarding control of feral nuisance animals from the powers and duties of livestock brand inspectors.

Proposed law removes the requirement that the list of brands and marks be published in book form and provided to the clerk of court and sheriff free of charge.

Proposed law provides that the operation of the beaver, coyote and coydog control program is subject to the availability of funds.

Proposed law clarifies in the definition of "specialty fertilizer" the weights to qualify for specialty fertilizer to include solid fertilizer.

Proposed law changes the requirement for determination of fertilizer values from semiannual to annual and removes the publication requirement.

Present law requires tonnage reports on fertilizer within 20 days. Proposed law extends the deadline to 30 days.

Proposed law removes the requirement that any fertilizer sold contain a combination of 20% NPK (Nitrogen, Phosphorus, Potassium) analysis.

Proposed law clarifies the membership of the Commission of Weights and Measures, the Louisiana Advisory Commission on Pesticides, the Feed Commission, the Seed Commission, the Fertilizer Commission, and the Louisiana Agricultural Commodities Commission.

Proposed law changes the term "penalty" to "deficiency assessment."

Present law provides for a fee up to \$250 for the issuance of a turtle farmer license. Proposed law retains present law and requires the turtle licensing fee to renewal annually.

Present law (Pesticide Law) defines "division" as the division of pesticide waste control. Proposed law changes the definition to the division of pesticide and environmental programs within the office of agricultural and environmental sciences.

Present law provides that a majority of the members of the Louisiana Agricultural Commodities Commission constitutes a quorum. Proposed law changes the quorum requirement to five members.

Present law provides for the appointment of a director and assistant director for the Louisiana Agricultural Commodities Commission. Proposed law retains present law and further authorizes the director and assistant director to perform necessary duties for the Louisiana Agricultural Commodities Commission.

Present law requires the commissioner to recover administrative costs associated with a receivership. Proposed law removes the requirement for recovery and instead permits the commissioner to recover administrative costs associated with receiverships.

Present law allows the Louisiana Agricultural Commodities Commission to deny issuance of a license based upon the applicant's reputation. Proposed law removes the grounds to deny a license based upon the reputation of the applicant.

Proposed law removes sugar and milo from the definition of "agricultural commodities."

Proposed law changes the term "warehouseman" to "warehouse."

Proposed law changes the term "retain" to "detain." It clarifies the detention of product found in intrastate commerce that may or may not bear the mark of inspection.

Proposed law changes the name of the office of animal health services to the office of animal health and food safety.

Present law provides for the office of agricultural and environmental sciences to perform technical services and laboratory functions for the farmers of the state and perform functions designed to improve seed certification, increase production of rice and nursery stock; protect Louisiana from the introduction and spread of injurious insect pests and plant diseases; sample pesticides, feeds, fertilizer and agricultural minerals to assure that they meet all requirements of law and regulation; regulate the treatment, storage or disposal of pesticide wastes; train and certify pesticide applicators; and perform other related functions, all in accordance with applicable law. Further provides for the division of pesticide waste control to be within the office of agricultural and environmental sciences and administer the provisions of law relating to the treatment, storage or disposal of pesticide wastes. Provides for the division to coordinate programs for pesticide waste control with the appropriate agencies or departments within the federal government and the Dept. of Natural Resources.

Proposed law changes present law and provides for the office of agricultural and environmental sciences to administer the provisions of law relating to fertilizers, seeds, plant diseases, commercial feeds, pesticides, horticulture and apiaries. Provides for the office to perform technical services and laboratory functions for the farmers of the state and functions designed to expand and improve seed certification, increase production of rice and nursery stock; monitor and provide for the prevention, control and eradication of regulated and exotic crop pests or diseases endangering Louisiana's agricultural, horticultural and apiary industries; assure that products certified for export are free from pests; oversee the qualifications and practices of persons engaged in the green industry; sample pesticides, feeds, fertilizer, seed and agricultural materials to assure that they meet all requirements of law and regulation; assure the proper labeling, distribution, storage, sale, offering for sale and application of pesticides; license and regulate pesticide applicators and pest control companies; regulate the treatment, storage or disposal of pesticide wastes; and other related functions, all in accordance with applicable law.

Proposed law further provides for the division of pesticide and environmental programs within the office of agricultural and environmental sciences to administer the provisions of law relating to the treatment, storage or disposal of pesticide wastes. Provides for the division to coordinate programs for pesticide waste control with the appropriate agencies or departments within the state and federal government.

Present law, which is suspended by HCR 159 of 2008 RS until June 30, 2009, levies an assessment at the rate of one-half cent per bushel on all wheat, corn, and grain sorghum grown in the state. Provides that the assessment not be imposed unless approved by a majority of the wheat, corn, and grain sorghum producers voting in a referendum and that the assessment be effective for a period of five crop years. Provides that the assessment may be extended in five year increments for an indefinite period of time by ratification and approval of a majority of the producers of the commodities subject to the assessment.

Proposed law provides that the one-half cent per bushel assessment as it applies to grain sorghum not be effective from July 1, 2009 until June 30, 2010.

Proposed law directs the Louisiana Law Institute to re-designate certain provisions of law throughout Title 3.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 3:2(A), 80, 131, 302, 303, 415, 556.2(10), 556.7(A), 641, 642, 643, 644, 652, 666(9), 734(B)(1) and (6), 741, 825, 832, 851, 1024, 1025, 1311(3) and (12), 1312(A) and (C), 1313(C)(2)(b) and (E), 1362(9) and (24), 1432(A), 1651, 1652, 1732, 1772, 1891(28), 1892(A)(1) and (F), 1900(A) and (B), 2351, 2352, 2353, 2354, 2358.2(A), 2358.4(C), 3113(A), 3202(11) and (13), 3211(B)(3), 3225(A), 3402(1), (2), (7), (9) and (16), 3403(A)(7) and (H), 3404(B), 3405(B)(5) and (6), 3407(A)(2) and (3) and (E), 3408(A)(9)(c) and (10), 3409 (B), (C), (D) and (F), 3410 (E) and (F), 3410.1(A) and (B), 3410.2(J), 3411(B), (C) and (D), 3411.1(B)(2) and (D), 3412, 3413(A), (B), (C), (E) and (F), 3414(B), 3415(A) and (C), 3416(A), (B) and (C), 3417(D) and (F), 3418(A), 3419(A), (C) and (D), 3424(B), 3802(A), 4224, 4603(B)(7), R.S. 29:726(E)(20)(a)(v) and 729(E)(13)(a)(vi), R.S. 36:4(A)(13), 621(C), 622, 623, 624(B) (intro para), 625, 626(A) and (B), 628(C), (D) and (E), 629(B), (C)(intro para), (D)(intro para), (E)(intro para), (F), (G), (I), (J), (K) and (L), R.S. 37:2202, R.S. 51:2, 6(intro para), 472 and R.S. 54:112; adds R.S. 3:2(F), 283.1 and 751(E); repeals R.S. 3:14, 401-409, 414, 421-426, 446.1- 446.7, 521-538, 541-550, 824, 1312(H), and 1906(A) and R.S. 36:627(E), 628(B) and 629(C)(2), and R.S. 39:455)

---

Thomas L. Tyler  
Deputy Chief of Staff